

**Borough of Highlands  
Mayor & Council  
Regular/Workshop Meeting  
March 6, 2013**

Meeting Location: Highlands Elementary School, 360 Navesink Avenue, Highlands, NJ 07732

**This meeting was not electronically recorded.**

Mayor Nolan called the meeting to order at 7:15 p.m.

Mrs. Cummins read through the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Work Shop/Regular Meeting of the Mayor & Council of the Borough of Highlands and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

**ROLL CALL:**

**Present: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Kane**

**Also Present: Carolyn Cummins, Borough Clerk  
Tim Hill, Borough Administrator  
Steve Pfeffer, Chief Financial Officer  
Bruce Padula, Borough Attorney  
Dale Leubner, Borough Engineer**

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**Executive Session Resolution:**

**Mayor Nolan offered the following Resolution and moved its adoption:**

**R-13-71**

**RESOLUTION  
EXECUTIVE SESSION**

**BE IT RESOLVED** that the following portion of this meeting dealing with the following generally described matters shall not be open to the public:

- 1.Litigation: Capt's Cove Marina, Sandy Hook Bay Marina
- 2.Contract: Sewer Plant Operator Contract, Future Sanitation Contract
- 3.Real Estate:
4. Personnel Matters: Purchasing Agent
5. Attorney-Client Privilege: Potential Ord for ABFE and/or C/o's  
Memo to Superintendent Rooney

**BE IT FURTHER RESOLVED** that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when the need for privacy no longer exists; and

**BE IT FURTHER RESOLVED** that no portion of this meeting shall be electronically recorded unless otherwise stated; and

**BE IT FURTHER RESOLVED** that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Act:

1. Any matter which, by express provision of Federal Law, State statute or rule of court shall be rendered confidential or excluded from public discussion. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Any matter in which the release of information would impair a right to receive funds from the federal government.
3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to

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any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

4. Any collective bargaining agreement, or the terms and the conditions of which are proposed for inclusion in any collecting bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.

5. Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investments of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.

6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of law

**7. Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.**

8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Subject to the balancing of the publics interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124, NJ 478 (1991).

9. Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.

**BE IT FURTHER RESOLVED** that action may be taken after the executive session.

**Seconded by Ms. Ryan and approved on the following roll call vote:**

**ROLL CALL:**

**AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan**

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

**The Governing Body then entered into Executive Session.**

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Mayor Nolan called the meeting back to order at 8:00 p.m.

Mayor Nolan asked all to stand for the Pledge of Allegiance.

**ROLL CALL:**

**AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan**

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

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**Consent Agenda:**

**INSERT RESOLUTION R-13-72 – TEMP  
APPROP.**

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**Mayor Nolan offered the following Resolution and moved on its adoption:**

**R-13-73  
RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENT**

**WHEREAS**, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes, and

**WHEREAS**, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

**NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED** by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Tax Collector is authorized to immediately refund and pay the overpayment of taxes to the individuals and property owners of the specific properties listed below, and attached hereto:

<b>BLOCK</b>	<b>LOT</b>	<b>YEAR</b>	<b>AMOUNT</b>	<b>NAME</b>
65	28	2011	\$3,590.07	Kreigman & Smith 101 Eisenhower Pkwy Roseland, NJ 07068
		2012	1,081.22	
<b>Totals</b>			<b>\$4,671.29</b>	

This overpayment is refunding the taxpayer for a double payment made by both the Mortgage company and the management company.

**Seconded by Ms. Kane and adopted on the following roll call vote:**

**ROLL CALL:**

**AYES:** Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**Mayor Nolan offered the following Resolution and moved on its adoption:**

**R-13-74  
RESOLUTION APPROVING AGREEMENT #13A-7  
2013 ALLIANCE TO PREVENT ALCOHOLISM & DRUG ABUSE**

**WHEREAS**, the Borough of Highlands adopted Resolution R-13-42 Supporting the 2013 Municipal Alliance Program Grant Application and funding on January 16, 2013; and

**WHEREAS**, the County of Monmouth, Department of Human Services, Division of Mental Health and Addiction Services has submitted the 2013 Agreement to the Borough for approval.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Highlands that the 2013 Alliance Agreement #13A-7 is hereby approved and the Mayor, Chief Financial Officer and the Borough Clerk are hereby authorized to execute said agreement.

**Seconded by Ms. Kane and adopted on the following roll call vote:**

**ROLL CALL:**

**AYES:** Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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Mayor Nolan offered the following Resolution and moved its adoption:

**R-13-75**

**RESOLUTION APPROVING AN AGREEMENT WITH SHORE GRAFX FOR WEBSITE SERVICES**

**WHEREAS**, the Borough of Highlands has a need for website design services; and

**WHEREAS**, the Borough has solicited proposals from potential contractors; and

**WHEREAS**, Shore Grafx provided the Borough with a proposal for such work; and

**WHEREAS**, the proposal is below the bid threshold contained in the Local Public Contracts Law (“LPCL”); and

**WHEREAS**, the Borough seeks to obtain the services of Shore Grafx for design and maintenance of the Borough’s website including format and content; and

**WHEREAS**, the LPCL provides that such agreements may be for a period of two (2) years with an option for a one (1) year extension.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough approves an agreement with Shore Grafx for website design and maintenance services in substantially the same form as attached hereto, retroactive to January 1, 2013, at a rate of \$650 per month for 2013 and \$800 per month for 2014 and any additional extension permitted by law.

**Seconded by Ms. Kane and adopted on the following roll call vote:**

**ROLL CALL**

**AYES:** Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**Mayor Nolan offered the following Resolution and moved on its adoption:**

**R-13-76**

**RESOLUTION  
APPROVING RAFFLE LICENSE  
APPLICATION NO. RA#1317-13-2  
HIGHLANDS FIRE DEPARTMENT**

**WHEREAS**, the Highlands Fire Department has submitted a Raffle License Application No. RA1317-13-2 for a drawing to be held on April 13, 2013.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that Raffle License Application RA#1317-13-2 for the Highlands Fire Department is hereby approved and the Borough Clerk is authorized to sign off on licenses.

**Seconded by Ms. Kane and adopted on the following roll call vote:**

**ROLL CALL:**

**AYES:** Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**Mayor Nolan offered the following Resolution and moved on its adoption:**

**R-13-77**

**RESOLUTION APPROVING SOCIAL AFFAIRS PERMIT  
FOR THE HIGHLANDS FIRE DEPARTMENT**

**WHEREAS**, the Highlands Fire Department has filed an application for a Social Affairs Permit for an event to be held on April 13, 2013 with no rain date; and

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WHEREAS, the submitted application form is complete in all respects, fees have been paid, and the license has been properly reviewed and approved by the Chief of Police.

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Highlands does hereby approve the Social Affairs Permit for the Highlands Fire Department for an event to be held on April 13, 2013 with no rain date.

Seconded by Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

Mayor Nolan offered the following payment of bills and moved on its approval for payment:

**RECAP OF PAYMENT OF BILLS  
03/06/2013**

<b>CURRENT:</b>		\$ 278,582.62
Payroll	(02/28/2013)	\$ 109,986.49
Manual Checks		\$ 35,818.20
Voided Checks		\$
<b>SEWER ACCOUNT:</b>		\$ 1,763.60
Payroll	(02/28/2013)	\$ 3,059.31
Manual Checks		\$ 178.28
Voided Checks		\$
<b>CAPITAL/GENERAL</b>		\$
<b>CAPITAL-MANUAL CHECKS</b>		\$
Voided Checks		\$
<b>WATER CAPITAL ACCOUNT</b>		\$
<b>TRUST FUND</b>		\$ 3,193.70
Payroll	(02/28/2013)	\$ 600.00
Manual Checks		\$
Voided Checks		\$
<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$
<b>DOG FUND</b>		\$
<b>GRANT FUND</b>		\$ 7,102.84
Payroll	(02/28/2013)	\$ 9,112.48
Manual Checks		\$
Voided Checks		\$
<b>DEVELOPER'S TRUST</b>		\$
Manual Checks		\$
Voided Checks		\$

**THE COMPLETE PAYMENT OF BILLS IS AVAILABLE IN  
THE CLERK'S OFFICE FOR ANYONE THAT WISHES TO REVIEW THE LIST.**

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**SUPPLEMENTAL BILL LIST  
March 6, 2013**

**CURRENT FUND**

<b>Ceridian Benefit Services</b>	<b>Cobra Fees Feb. 2013</b>	<b>45.19</b>
<b>NJ Division of Pensions</b>	<b>March 2013 Health Insurance</b>	<b>82,235.23</b>
<b>Pumping Services</b>	<b>Repairs Waterwitch Pump Station - Hurricane Sandy</b>	<b>32,412.18</b>

**Total Current Fund** **114,692.60**

**CAPITAL FUND**

**Total Capital Fund** **0.00**

**GRANT FUND**

**Total Grant Fund** **0.00**

**SEWER UTILITY FUND**

<b>NJ Division of Pensions</b>	<b>March 2013 Health Insurance</b>	<b>2,141.84</b>
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**Total Sewer Utility Fund** **2,141.84**

**TRUST FUND** **0.00**

**Seconded by Ms. Kane and approved for payment on the following roll call vote:**

**ROLL CALL:**

**AYES:** Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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**Committee Reports:**

**Finance:**

Mr. Pfeffer stated that the tax rate will go into FEMA disaster program to stabilize the tax rate for a couple of years. He further explained. They may write off the loan. He and Mr. Hill have another meeting with the State. He did have a conversation that we are out of money for Special Emergencies with the State today. We need \$1.5 million Bond Ordinance resolution for the next meeting.

Mr. Hill will reach out to the Fire and First Aid Departments for dollar amounts. He said this is not for Capital.

Mayor Nolan wants to get \$2 million.

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Mr. Pfeffer explained that we did receive notice to get \$250,000.00 for Borough Hall. We should hold that money until we decide what we are going to do. He also met with Monmouth County Improvement Authority regarding lease purchase program. A street sweeper and police cars are needed. He wants to know the councils interest on this.

Chief Blewett stated that he put in for two new cars in his 2013 budget.

Mayor Nolan wants to sub-contract sweeper and get police cars.

Mr. Pfeffer explained lease purchase agreement process. We need a list of equipment.

Mayor Nolan stated that we need an ambulance.

Mayor Nolan directed Mr. Hill to pursue shared services for sweeper and look into an ambulance.

Council will give Mr. Pfeffer a list by the next meeting.

Mr. Pfeffer will contact Arcadis to see what items are needed.

Mayor Nolan said to have that at the next meeting.

**Public Safety:**

Chief Blewett gave his report. He spoke of the various arrests and calls made to the Police Department.

Mr. Redmond asked when the Police Department would be moving to the trailers.

Chief Blewett stated that he is waiting for contracting issues with the phone company.

Mr. Hill said they should be in by the end of the month if everything falls into place. It's not just a phone contract issue. There are other items that are needed.

Mayor Nolan wants the police phone number on an email blast.

**Administration:**

Mr. Hill gave his report. He stated that he met with Emergency Services. The First Aid Department must provide cost estimate for electric and heat for their building. The Fire Department must provide information for FEMA reimbursement. The Police Department needs phone lines.

Dave Mercado will send out letters to landlords to remind them of requirements and contact information. If we see a "For Rent" sign, we need to give the address to the Borough to check if registered.

He met with FEMA today. We are having a meeting on Friday with the County and State regarding the FEMA process. Borough Hall and the Community Center need elevation certificates done. Hope for Highlands has distributed over \$90,000.00.

Mr. Francy stated that he spoke with Mr. Leubner to send letters to damage assessment list.

Mr. Hill explained appeal process.

Mr. Leubner will do a cover letter to send out and will list options.

Mayor Nolan wants the letter out be next Friday.

Mr. Francy spoke about delays in getting building permits.

Mr. Hill explained that building permits are handled by Nancy O'Neil not the Solution Center.

Mr. Francy would like the number of permits pending.

Mr. Hill will get that number for him.

Mr. Leubner explained delay with specific flood and zoning issues.



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Mr. Leubner also gave an update on Washington Avenue.

Mr. Francy questioned two pending jobs in code enforcement and construction department.

Mr. Hill explained.

Mr. Pfeffer stated that part of the disaster loan will deal with extra personnel.

Discussion continued regarding extra help with the building department.

Mr. Pfeffer forwarded to the DLGS notice on tax stabilization toll.

Mrs. Cummins will forward it to the governing body.

Council spoke of need for extra code enforcement.

Mr. Pfeffer would like to know about extra staffing needs by the end of the month.

Mr. Francy feels we need a full time code enforcement officer. If our Code Enforcement Officer can't do it, then get someone else. He also inquired if we are using Americorp data.

Mr. Hill does not think they submitted their formal report yet.

**Library:**

There was no report at this time.

**Highlands Business Partnership:**

There was not report at this time.

Mayor Nolan said the St. Patrick's Day parade is on Saturday, March 23<sup>rd</sup> at 2:00 p.m.

**Shared Services:**

Mr. Hill said we are still working on this with Atlantic Highlands Court. He is waiting for a proposal.

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**Other Business:**

**Mayor's Appointments to Planning Board:**

Mayor Nolan's appointment to the Planning Board:

Whereby the following appointment was made by Mayor Nolan:

Ryan Britton

Regular Member of the Planning Board

For the unexpired 4 Year Term to Expire 12/31/14

**Review of Planning Board Letter of Recommendations RE: Flood Damage Prevention:**

Mrs. Cummins explained the report from the Planning Board.

Council was in agreement.

Mr. Padula stated that we have drafts to introduce at the next meeting.

**Hazardous Mitigation Grant Program:**

Mr. Francy said we need to talk about our needs.

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Mayor Nolan spoke about Borough Hall. We need flood elevations, insurance, discussed insurance deductible. We need to go off of Bay Avenue. We are getting elevation certifications.

Mr. Leubner said letters of intent are due March 17<sup>th</sup>. He can send but needs authorization tonight for Borough Hall, Community Center, and the North St. Pump Station.

Discussion continued.

Ms. Kane said we need to make a decision about Borough Hall.

Mayor Nolan said we need to build somewhere else if we get the money.

Council agreed with Mayor Nolan.

Mayor Nolan spoke of the Community Center. All agreed to raise and repair it.

Mr. Francy asked about the T&M Flood Proposal.

Mr. Leubner responded that we are still on hold. We are 3<sup>rd</sup> in line. He will follow up tomorrow.

**Review of Zoning Board 2012 Annual Report:**

Mayor Nolan made an offer to accept the Zoning Boards report, and seconded by Mr. Redmond and all were in favor on the following roll call vote:

**ROLL CALL:**

**AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan**

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

**Certificate of Occupancy Inspections:**

Ms. Kane said letters to landlords was already addressed.

**Police Department Move:**

This item already addressed.

**Veteran's Park/Angels Playground/Boardwalk:**

Ms. Ryan stated that she and Mr. Hill went to dedication last Friday. Highlands is on the list. Her concern with Veteran's Park is the boardwalk. They won't do a boardwalk. She would like it fenced off till it's repaired.

Mr. Hill said they are doing 26 playgrounds. We have been told we are being considered. It is \$60,000 to \$80,000 per playground.

Ms. Kane said we can contact the backing that funded Kavookjian to do the boardwalk at Veteran's Park.

Mayor Nolan directed Mr. Hill to get cost estimates.

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**Public Portion:**

Don Manrodt of 268 Bayside Drive feels we should repair old Borough Hall. We should ask the public.

LoriAnn Nolan of 51 Waterwitch Avenue asked about the status of information that is to be sent out to the residents.

Ms. Ryan said it is at the printers.

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LoriAnn Nolan asked if it included certificate of occupancy and landlord registration information.

Terry of the Asbury Park Press questioned the letter being sent out to landlords. She would like to get a copy of it. She could put the information in the newspaper.

Mayor Nolan directed Mr. Leubner to send Terry the letter. He will do a generic letter and send to Terry.

There were no further questions.

Mayor Nolan offered a motion to adjourn, seconded by Ms. Kane and all were in favor.

The Meeting adjourned at 9:07 p.m.

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Debby Dailey, Deputy Clerk

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August 15, 2012**

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